



**PRESENT:**

Mr. Daniel A. Gecker, Chairman  
Mr. Sherman W. Litton, Vice-Chairman  
Mr. Jack R. Wilson, III  
Mr. Russell J. Gulley  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Branch, Planning Department  
Ms. Beverly F. Rogers, Assistant Director, Zoning and  
Special Projects, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Darla W. Orr, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Teresa C. Davis, Administrative Secretary, Zoning and  
Special Projects, Planning Department  
Mr. Theodor Barclay, Code Enforcement Supervisor,  
Code Enforcement Branch, Planning Department  
Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review, Planning Department  
Mr. Alan G. Coker, Senior Planner, Development  
Review, Planning Department  
Mr. Doug Mawby, Senior Planner, Development  
Review, Planning Department  
Mr. Zachary L. Robbins, Planner, Development  
Review, Planning Department

Mr. David A. Hainley, Planning Administrator,  
Development Review, Planning Department  
Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department  
Mr. Steven F. Haasch, Senior Planner, Advance Planning and  
Research Branch, Planning Department  
Ms. Linda N. Lewis, Administrative Assistant, Administrative  
Branch, Planning Department  
Ms. Vanessa N. Kent, Assistant Deputy Clerk,  
Administration Branch, Planning Department  
Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office  
Mr. Allan M. Carmody, Budget Manager,  
Budget and Management Department  
Mr. R. John McCracken, Director,  
Transportation Department  
Mr. Richard M. McElfish, Director,  
Environmental Engineering Department  
Ms. Joan Salvati, Water Quality Administrator,  
Environmental Engineering Department  
Mr. Douglas Pritchard, Jr., Engineering Supervisor,  
Environmental Engineering Department  
Mr. Craig S. Bryant, Director,  
Utilities Department  
Mr. Randolph Phelps, Senior Engineer,  
Utilities Department  
Ms. Jennifer Wampler, Planner, Parks Maintenance Division,  
Parks and Recreation Department  
Ms. Cynthia Owens-Bailey, Director of Planning,  
School Administration  
Captain Michael Spraker, Commander, Support  
Services Division, Police Department  
Sergeant D. D. Deringer, Support Services Division,  
Uniform Operations Bureau, Police Department

### **WORK SESSION**

At approximately 12:00 p. m., Messrs. Gecker, Litton, Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Day's Agenda.**  
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- C. Plans and Information Section Update.**

- D. **Work Program – Review and Update.**
- E. **Deferred Item – Action on the following Code Amendment:  
(A PUBLIC HEARING WAS HELD AND CLOSED AT A PREVIOUS SESSION  
BY THE PLANNING COMMISSION ON THE FOLLOWING CODE  
AMENDMENT.)**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 17-73 and 17-76 of the Subdivision Ordinance. These amendments will increase the number of building permits which may be issued prior to the paving of streets and prior to their acceptance into the State System for maintenance. It will also allow the minimum pavement design for all streets, alleys and accessways within subdivisions to be designed with base stone, base asphalt and surface asphalt, as approved by the Director of Environmental Engineering.

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- F. **Follow-up Discussion Relative to Growth Management Retreat Item Pertaining to Regulating Road Stripping.**
- G. **Discussion of a Proposed Code Amendment Relative to Offsite Directional Signs.**
- H. **Memo Relative to Tentative Planning Commission Meeting Dates for February 2005 through January 2006.**
- I. **Nominations/Appointments to the Neo-Traditional Zoning District Committee.**

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**B. REVIEW DAY'S AGENDA.**

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, Case 05PS0144, Riverstone Properties, LLC (Centerpointe) to be considered during the Afternoon Session.

Mr. Lamson updated the Commission as to the status of, and staff's recommendation for, the requests to be considered during the Afternoon Session.

Ms. Rogers updated the Commission as to the status of, and staff's recommendation for, the zoning requests to be considered during the 7:00 p. m. Evening Session, as well as pending caseloads for the upcoming months.

Prior to discussion of the status of, and staff's recommendation for, the requests to be considered during the Evening Session, Mr. Wilson declared a potential conflict of interest pursuant to the Virginia Conflict of Interest Act relative to Cases 05SN0127, Fox Creek Development, Inc. and 05SN0128, Glen Abbey Partners LLC in that his firm represented the applicants in matters other than zoning and excused himself from the meeting at approximately 12:33 p. m.

Upon conclusion of the discussion of the 7:00 p. m. Day's Agenda, relative to Cases 05SN0127, Fox Creek Development, Inc. and 05SN0128, Glen Abbey Partners LLC, Mr. Wilson returned to the meeting at approximately 12:35 p. m.

Mr. Barclay updated the Commission as to the status of, and staff's recommendation for, the proposed Ordinance Amendments relative to home occupations, scheduled for public hearing at the 7:00 p. m. Evening Session.

**C. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.**

Mr. Larson updated the Commission as to the status of the concept and staff's ongoing efforts in the establishment of the Community Development Information System (CDIS).

**D. WORK PROGRAM.**

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their January 2005 Work Program, as outlined by Mr. Turner.

**E. DEFERRED ITEM – ACTION ON THE FOLLOWING CODE AMENDMENT:**

**(A PUBLIC HEARING WAS HELD AND CLOSED AT A PREVIOUS SESSION BY THE PLANNING COMMISSION ON THE FOLLOWING CODE AMENDMENT.)**

◆ ◆ ◆

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 17-73 and 17-76 of the Subdivision Ordinance. These amendments will increase the number of building permits which may be issued prior to the paving of streets and prior to their acceptance into the State System for maintenance. It will also allow the minimum pavement design for all streets, alleys and accessways within subdivisions to be designed with base stone, base asphalt and surface asphalt, as approved by the Director of Environmental Engineering.

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Mr. McElfish presented an overview of the proposed Code Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposed Code Amendment.

There was discussion relative to forward a recommendation to the Board of Supervisors for consideration of the proposal, as submitted, or modifying the recommended ninety (90) percent issuance of building permits prior to State acceptance to 100% and other issues of concern.

Messrs. Gecker and Gulley supported the proposal, as submitted, while Messrs. Litton, Wilson and Bass supported amending the proposal.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of the following Code Amendment and requested staff provide information for future discussion relative to implementing a twenty-five percent (25%) surcharge for project oversight in case of default:

- (1) *That Sections 17-73 and 17-76 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:*

**Sec. 17-73. Installation of Improvements and Bonding.**

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- (2) No more that ~~50~~ 60 percent of the building permits in any recorded section of a residential or residential townhouse subdivision shall be issued until the paving requirements in that section have been completed.
- (3) No more that ~~80~~ 100 percent of the building permits in any section of a residential or residential townhouse subdivision shall be issued until the streets have been constructed to state standards and accepted into the state system as applicable.

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**Sec. 17-76. Arrangement.**

(k) The minimum pavement design for all local streets, residential collector streets, private streets, alleys and accessways in any subdivision shall have ~~at a minimum two inches of bituminous concrete including the surface course~~ pavement designed utilizing base stone, base asphalt, and surface asphalt as approved by the director of environmental engineering.

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- (2) *That this ordinance become effective immediately upon adoption*

AYES: Messrs. Litton, Wilson and Bass.  
NAYS: Messrs. Gecker and Gulley.

**F. FOLLOW-UP DISCUSSION RELATIVE TO GROWTH MANAGEMENT RETREAT ITEM PERTAINING TO REGULATING ROAD STRIPPING.**

Mr. Hainley presented an overview of the proposal and staff's recommendation.

Upon conclusion of discussion, it was on motion of Mr. Litton, seconded by Mr. Wilson, that the Commission resolved to recommend approval of the proposal, as submitted, and requested staff forward

amendments to the Subdivision and Zoning Ordinances, as follows, for consideration by the Board of Supervisors:

- Amend the Subdivision Ordinance to require the minimum exemption parcel size be increased to ten (10) acres with a corresponding increase in frontage to five hundred feet; to be effective upon the date of adoption;
- Amend the Zoning Ordinance to require the minimum parcel size in an (A) Agricultural District for residential development be increased to two (2) acres, to be effective January 1, 2007 to afford an adequate grace period for those who purchased property with the intent of conveying property to family members; and
- Amend the Subdivision Ordinance to require the parent parcel for family divisions meet a required parcel width of one hundred and fifty (150) feet at the street, to be effective January 1, 2007.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**G. DISCUSSION OF A PROPOSED CODE AMENDMENT RELATIVE TO OFFSITE DIRECTIONAL SIGNS.**

Mr. Litton left the meeting.

Upon conclusion of discussion relative to a proposed Code Amendment relative to offsite directional signs, it was on motion of Mr. Wilson, seconded by Mr. Gulley that the Commission requested staff prepare draft Ordinance language for discussion at a future work session.

AYES: Messrs. Gecker, Wilson, Gulley and Bass.  
ABSENT: Mr. Litton.

Mr. Litton returned to the meeting.

**H. MEMO RELATIVE TO TENTATIVE PLANNING COMMISSION MEETING DATES FOR FEBRUARY 2005 THROUGH JANUARY 2006.**

Upon conclusion of the discussion, the Commission requested staff provide an alternate date for consideration at their January 18, 2005, Annual Meeting, to be considered for adoption as the Commission's regularly scheduled December 2005 meeting date.

**I. NOMINATIONS/APPOINTMENTS TO THE NEO-TRADITIONAL ZONING DISTRICT COMMITTEE.**

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission nominated/appointed the following individuals to serve on the Neo-Traditional Zoning District Committee:

Mr. David Anderson, Timmons;                      Mr. David Root, Home Builders Assoc. of Richmond;

Mr. Richard Collier, R. C. Collier Builders;  
Mr. John Easter, Williams Mullen;  
Mr. Mark Fausz, Chester Village News;

Mr. Andy Scherzer, Balzer & Assocs.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Mr. Gulley requested the agenda be amended to add discussion relative to regional best management practices (BMPs) and setbacks.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission amended the agenda to add a new Item J., Discussion Relative to Regional Best Management Practices (BMPs) and Item K., Proposed Amendment to Industrial Zoning Districts Relative to Setbacks from Other Zoning Districts.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**J. DISCUSSION RELATIVE TO REGIONAL BEST MANAGEMENT PRACTICES (BMPS).**

Mr. Gulley expressed concerns relative to the timely dissemination of information to the Commission relative to the viability of the Upper Swift Creek Reservoir as a water resource as well as misinformation being circulated to the general public.

Ms. Salvati updated the Commission as to the current status of the viability of the Upper Swift Creek Reservoir as a drinking water resource and addressed concerns relative to regional BMP permitting process and other issues.

In response to Mr. Gulley's request, Ms. Salvati indicated staff would provide periodic updates to the Commission as well as members of the environmental/development communities.

In response to questions from the Commission, Mr. Bryant indicated utilizing the Falling Creek facility was not practical.

Upon conclusion of the discussion, Ms. Salvati indicated staff was scheduling a meeting in January 2005 with the Commission and members of various community/business organizations to discuss regional BMPS and other concerns.

**K. PROPOSED AMENDMENT TO INDUSTRIAL ZONING DISTRICTS RELATIVE TO SETBACKS FROM OTHER ZONING DISTRICTS.**

There was discussion relative to amending the Zoning Ordinance to delete additional setbacks listed under required conditions for uses in Light Industrial (I-1), General Industrial (I-2) and Heavy Industrial (I-3) Districts.

Upon conclusion of the discussion, it was on motion of Mr. Wilson, seconded by Mr. Litton, that the Commission requested staff prepare draft Ordinance language for review at a future Work Session.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**L. RECESS.**

There being no further business to discuss, the Commission recessed at approximately 2:24 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

**3:00 P. M. AFTERNOON SESSION**

Mr. Gecker, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

**A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

**B. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the November 16, 2004, Planning Commission minutes.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to approve the November 16, 2004, Planning Commission minutes, as written.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**C. CONSIDERATION OF THE FOLLOWING REQUESTS:**

♦ **DEFERRAL.**

**00PR0149:** In Bermuda Magisterial District, **LAVERNE C. COLE** requested deferral to the regularly scheduled April 2005 meeting of consideration for Planning Commission approval of a site plan for an approximately 2,600 square foot convenience/fast-food building, as required by Proffered Condition 18 of zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. LaVerne Cole, the applicant, requested deferral to the regularly scheduled April 2005 Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.



On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to defer Case 00PR0149, Laverne C. Cole (Cole C'Store) to the regularly scheduled April 2005 Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**05PR0168:** In Bermuda Magisterial District, **EMERSON CONSTRUCTION** requested Planning Commission approval of architecture, as required by Condition 12 of zoning Case 86S158. This project is commonly known as **RIVERS BEND MEDICAL CENTER**. This request lies in a Neighborhood Business (C-2) District on four (4) parcels totaling 2.54 acres fronting approximately 200 feet on the north line of West Hundred Road, also fronting approximately 470 feet on the west line of Rivers Bend Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 812-653-9330, 7311, 6707 and 5707 (Sheet 27).

Mr. George Emerson, Jr., the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved that approval architecture, as required by Condition 12 of zoning Case 86S158, for Case 05PR0168, Emerson Construction (Rivers Bend Medical Offices) shall be and it thereby was granted.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05PR0189:** In Clover Hill Magisterial District, **ARTISTIC STONE DESIGN, INC.** requested Planning Commission approval for the screening of additional outside storage, per zoning Condition 13 of Case 85S017. This project is commonly known as **ARTISTIC STONE DESIGN**. This request lies in a Light Industrial (I-1) District on two (2) parcels fronting approximately 275 feet on the south line of International Drive and better known as 11311 and 11321 International Drive. Tax IDs 742-707-4565 and 5966 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved that approval for the screening of additional outside storage, per Condition 13 of zoning Case 85S017, for Case 05PR0189, Artistic Stone Design, Inc. (Artistic Stone Design) shall be and it thereby was granted, subject to the following conditions:

**CONDITIONS**

1. Except for the proposed temporary fence, the screening fence shall be constructed in accordance with this condition and the attached elevations titled "Decorative Fence Detail" prepared by Balzer and Associates, Inc., dated November 3, 2004. The screening fence shall be a minimum of six (6) feet in height with posts generally spaced eight (8) feet apart.

Along the rear (south) property line, masonry columns compatible with the building masonry shall be constructed at each end of the south line, and on either side of the proposed vehicular gates located at the terminus of Business Center Drive. The extent of the fence shall be as indicated on the attached site plan.

2. The gate and entire fence line parallel and closest to International Drive shall be constructed per the "Decorative Fence Detail" prepared by Balzer and Associates, Inc. dated November 3, 2004.
3. Prior to final site plan approval, submit construction details of the proposed temporary fence for review and approval by the Planning Department. The temporary fence shall be six (6) feet tall, provide visual screening, and be constructed in accordance with industry standards to accommodate wind loads for this region.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05PS0187:** In Midlothian Magisterial District, **RAY OLSEN and R & R ENTERPRISES LLC** requested Planning Commission approval of an amendment to a previously approved schematic plan regarding architectural materials. This project is commonly known as **VILLAGE MILL OFFICE COMPLEX**. This request lies in a Community Business (C-3) District on two (2) parcels totaling 0.1 acre lying approximately fifty (50) feet off the east line of Village Mill Drive. Tax IDs 728-707-0269 and 0969 (Sheet 5).

Mr. Warren Redfern, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved that approval of an amendment to a previously approved schematic plan regarding architectural materials for Case 05PS0187, Ray Olsen and R&R Enterprises L.L.C. (Village Mill Office Complex) shall be and it thereby was granted, subject to the following conditions:

#### CONDITIONS

1. The roof materials used shall be one (1) of the following:  
  
Certainteed Grand Manor or Carriage House, GAF Country Estate or Grand Canyon, Timberline Ultra, Elk Prestique Plus.
2. Beaded fiber-cement siding or brick shall be used when replacing the existing siding.
3. Should any of the above materials either become unavailable or if new products with improved performance become available, staff may approve the use of new materials, so long as architectural compatibility is maintained.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**D. FIELD TRIP AND DINNER.**

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Crab Louie's Seafood Tavern at 5:00 p. m.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**E. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at approximately 3:05 p. m., agreeing to meet for dinner at 5:00 p. m. at Crab Louie's Seafood Tavern.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

**7:00 P. M. EVENING SESSION**

At approximately 7:00 p. m., Mr. Gecker, Chairman, called the Evening Session to order.

**A. INVOCATION.**

Mr. Wilson presented the invocation.

**B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Clay led the Pledge of Allegiance to the Flag.

Mr. Gecker announced that, in accordance with Planning Commission By-Laws, his tenure as Chairman for the previous two (2) years was concluding and he wished to express his appreciation and deepest gratitude to his fellow Commissioners, County Administration and staff, and members of the numerous business/residential communities and organizations throughout the County for their assistance, diligent work ethic and conscientious efforts in the various multifaceted processes and applaud their commitment to excellence in service to the County.

**C. REVIEW MEETING PROCEDURES.**

Mr. Turner apprised the Commission of the agenda for the next three (3) months, noting the January 18, 2005 agenda was comprised of eleven (11) cases, the February 2005 agenda was comprised of fifteen (15) cases and the March 2005 agenda was comprised of fifteen (15) cases.

**D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

Mr. Wilson requested Case 05SN0103, Farrish Properties, LLC, be reordered to the first case on the Discussion Agenda.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission amended the agenda to reorder Case 05SN0103, Farrish Properties, LLC as the first case on the Discussion Agenda.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**E. CONSIDERATION OF THE FOLLOWING REQUESTS:**

**◆ REQUESTS FOR DEFERRAL BY APPLICANT.**

**04SN0207:** In Matoaca Magisterial District, **DART II LLC** requested deferral to January 18, 2005, of consideration for rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 302.6 acres fronting approximately 1,400 feet on the east line of Otterdale Road approximately 680 feet north of Woolridge Road, also fronting in two (2) places for approximately 2,250 feet on the north line of Woolridge Road approximately 1,400 feet east of Otterdale Road. Tax IDs 708-675-1560; 708-677-8911; 709-675-6985; 709-676-0702, 5333, 6590 and 9324; 709-677-2520, 3264 and 3406; 709-678-5743; 710-676-0704 and 1579; 710-677-3873; 710-678-Part of 7575; 711-677-9367; 711-678-4858; 711-679-6522; and 712-679-2887 (Sheet 15).

Ms. Kristin Keatley, the applicant's representative, requested deferral to the January 18, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to defer Case 04SN0207 to the January 18, 2005, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05SN0129:** In Bermuda Magisterial District, **STEPHEN MARCUS** requested deferral to January 18, 2005, of consideration for rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial use. This request lies on 2.3 acres fronting approximately thirty-five (35) feet on the south line of Dundas Road approximately 425 feet west of Jefferson Davis Highway. Tax ID 790-683-Part of 5379 (Sheet 12).

Mr. Dean Hawkins, the applicant's representative, requested deferral to the January 18, 2005, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to defer Case 05SN0129 to the January 18, 2005, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

**04SN0306:** In Dale Magisterial District, **MIDLOTHIAN ENTERPRISES, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88) with Conditional Use Planned Development to permit exceptions to setback requirements. Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 61.4 acres lying approximately 960 feet southeast of the terminus of Waterfowl Flyway, also lying approximately 860 feet off the north line of Nash Road approximately 475 feet east of Eastfair Drive. Tax ID 762-655-7397 (Sheet 25).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, stated deferral of the request by Mr. Litton was acceptable.

There was no opposition to the deferral.

The following motion was made at Mr. Litton's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 04SN0306 to the January 18, 2005, Planning Commission public hearing.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**05SN0120:** In Clover Hill Magisterial District, **SHIVELY LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate

for residential use of 1.0 - 2.5 units per acre or less. This request lies on 4.7 acres fronting approximately 445 feet on the north line of West Alberta Court approximately 275 feet west of Alberta Road. Tax ID 744-678-2312 (Sheet 16).

Mr. Delmonte Lewis, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0120 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:
  - A. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
  - B. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by an increase in the Marshall and Swift building cost index between July 1, 2004, and July 1, of the fiscal year in which the payment is made if paid after June 30, 2005.
  - C. In the event the cash payment is not used for which proffered within 15 years of receipt, the cash shall be returned in full to the payor. (B & M)
3. All dwelling units shall have a minimum gross floor area of 1,200 square feet except for dwelling units with more than one story which shall have a minimum gross floor area of 1,600 square feet. (P)
4. The average lots size shall not be less than 13,609 square feet. (P)
5. No more than eleven (11) residential lots shall be developed on the subject property. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05SN0121:** In Bermuda Magisterial District, **VENTURE CONSTRUCTION, LLC** requested rezoning and amendment of zoning district map from Residential (R-7) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential use. This request lies on 0.5 acre and is known as 3508 West Hundred Road. Tax ID 793-656-2731 (Sheet 26).

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0121 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Uses permitted shall be limited to the following and shall meet Neighborhood Office (O-1) District standards:
  - a) Contractors' Offices and Display Rooms
  - b) Uses permitted by right or with certain restrictions in the Neighborhood Office (O-1) District. (P)
2. Prior to any site plan approval, forty-five (45) feet of right-of-way on the north side of West Hundred Road (State Route 10) shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. Prior to any site plan approval, an access easement acceptable to the Transportation Department shall be recorded across the property to provide shared use of this entrance/exit with adjacent properties. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

Prior to calling Cases 05SN0127, Fox Creek Development, Inc. and 05SN0128, Glenn Abbey Partners LLC, Mr. Gecker asked those present wishing to address these cases to stand.

Since there were a significant number of persons present wishing to speak to these cases, it was the consensus of the Commission to move Cases 05SN0127, Fox Creek Development, Inc. and 05SN0128, Glenn Abbey Partners LLC, to the Discussion agenda.

**05SN0132:** In Bermuda Magisterial District, **GEORGE P. EMERSON, JR.** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 3.7 acres lying approximately 130 feet off the south line of East Hundred Road across from Rivers Bend Boulevard. Tax IDs 815-652-0203 and Parts of 0632 and 0942 (Sheet 27).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 05SN0132 and acceptance of the following proffered conditions:

## PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 815-652-0203-00000, part of 815-652-0632-00000, and part of 815-652-0942-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

### Transportation:

1. Prior to any site plan approval, a fifty (50) foot wide right of way for a special access street (the "East/West Street") pursuant to section 19-505(b) of the Zoning Ordinance shall be dedicated through the property, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be determined by the Transportation Department. (T)
2. Access to the property shall be limited to the East/West Street and/or the north/south collector (River's Bend Boulevard Extended) located on the adjacent property to the east. The exact location of these accesses shall be determined by the Transportation Department. (T)
3. Prior to the issuance of a certificate of occupancy, the developer shall construct two lanes of the East/West Street through the property. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05SN0133:** In Dale Magisterial District, **ROCKWOOD TERRACE LLC** requested Conditional Use and amendment of zoning district map to permit a model home. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies in a Residential Townhouse (R-TH) District on 0.3 acre lying approximately ninety (90) feet off the east line of Price Club Boulevard, approximately 1,450 feet south of Hull Street Road. Tax ID 748-684-8011 (Sheet 10).

Mr. Larry Horton, the applicant's representative, accepted staff's recommendation, including the Addendum.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission acknowledged withdrawal of Proffered Condition 5, as outlined in the Addendum, and resolved to recommend approval of Case 05SN0133 and acceptance of the following proffered conditions:



### PROFFERED CONDITIONS

1. A temporary model home (sales office) shall be permitted in a modular office unit provided such unit shall be utilized for a maximum of 180 days from the date of approval of this request. At the end of the 180 days, the modular office unit shall be removed. (P)
2. The model home (sales office) shall only be used to market the development (Rockwood Terrace Townhouses) in which it is located and shall not be used for the sale of lots or houses outside of the development in which it is located. (P)
3. The model home (sales office) shall not be the primary real estate office for the company marketing the development. (P)
4. The model home (sales office) shall be incidental to construction activity taking place within the development (Rockwood Terrace Townhouses). (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05SN0138:** In Midlothian Magisterial District, **SHERWOOD DANCE** requested Conditional Use and amendment of zoning district map to permit a private school in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 3.1 acres and is known as 1100 Huguenot Springs Road. Tax ID 711-710-Part of 5641 (Sheet 5).

Mr. Sherwood Dance, the applicant, accepted staff's recommendation.

Mr. Wayne Gaskell, representing adjacent property owners, expressed concerns relative to architectural style and the lack of fenced play areas.

Mr. Dance noted that any additions or new construction would be compatible with the existing structure and that State regulations addressed the fencing of play areas.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0138, subject to the following conditions and acceptance of the following proffered conditions:

### CONDITIONS

1. Except where the requirements of the underlying A zoning are more restrictive, any new development for school use shall conform to the requirement of the Zoning Ordinance for office uses in Emerging Growth Areas. (P)
2. Architectural treatment of buildings, including materials, color and style, shall be compatible with the design characteristics of Bethel Baptist Church. (P)

## PROFFERED CONDITIONS

1. The use shall not be opened to the public before 9:30 a.m. and after 2:30 p.m. (P)
2. Prior to any site plan approval, forty-five (45) feet of right-of-way on the west side of Huguenot Springs Road, measured from the center line of that part of Huguenot Springs Road immediately adjacent to the property, exclusive of the cemetery area (also known as the Spears Cemetery Plot) shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**04SN0304:** In Clover Hill Magisterial District, **OMNIPOINT COMMUNICATIONS CAP OPERATIONS, LLC** requested Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre or less. This request lies on 1.0 acre fronting approximately twenty-five (25) feet on the north line of South Providence Road across from Poco Drive. Tax ID 755-700-Part of 7767 (Sheet 7).

Ms. Paige Huffer, the applicant's representative, accepted staff's recommendation.

There was no opposition present; however, Mr. Ron Cadill, an area property owner, expressed concerns relative to the location of the tower.

Following staff's explanation, Mr. Cadill stated he was satisfied.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 04SN0304, subject to the following conditions:

## CONDITIONS

1. There shall be no signs permitted to identify this use. (P)
2. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
3. The developer shall be responsible for correcting any frequency problems which affect the Chesterfield County Communications System caused by this use. Such corrections shall

be made immediately upon notification by the Chesterfield County Communications and Electronics staff. (GS)

4. The color and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopole structure with flush-mount antenna arrays and shall be designed to accommodate a maximum of three (3) carriers. (P)
5. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)
6. The tower shall not exceed a height of 150 feet. (P)
7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **CODE AMENDMENT:**



An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended by amending and re-enacting Sections 19-65, 19-66, 19-102, 19-103, 19-107.1, 19-108 and 19-301. This amendment would improve Ordinance formatting, home occupations are moved from accessory to restricted uses; dance studios, motor vehicle repair, motor vehicle towing, motor vehicle painting or body work, motor vehicle detailing, private clubs and trash collection are prohibited as home occupations; standards are moved from definitions to restricted uses in R, R-TH and R-MF Districts; and restrictions for customers, storage, vehicle parking and residency requirements are added.



Mr. Barclay presented an overview of the proposed Code Amendment and staff's recommendation for approval with deletion of the section relating to motor vehicle towing on page 6 of the Amendment. He noted Captain Mike Spraker and Sergeant D. D. Deringer, Chesterfield County Police Department Support Services Division staff, were present to address concerns and/or answer any questions the Commission may have.

Mr. Steve Boles, a resident of Kilrenny Road, addressed concerns relative to the tow truck issue and distributed photographs depicting the visual impact created by allowing these types of vehicles to park on residential streets; questioned the appropriateness of zoning that allowed this type of vehicle to park in residential communities; and cited concerns relative to noise; impaired visibility and parking space limitations along residential streets created by the large vehicles; the hours of operation; the visual appearance of the towing vehicles detracting from the community and impacting property values; and advertisements on the sides of the vehicles.

Ms. Mandy Wilson, an attorney in the County, voiced opposition to the proposal. She stated the amendment as proposed constituted a restraint on free trade and as such would preclude her from conducting business from her home. She requested that the requirements permitting only one client at a time on the property and that the use be conducted solely by one or more members of the family be removed.

Ms. Brenda Stewart, a Matoaca District resident, questioned the validity of Section 19-102(d)(4) and the County's ability to enforce the requirement that a commodity stored in a house be stored in a cabinet or closet.

Ms. Andrea Epps, representing residents of Brandermill, voiced support for the proposed Code Amendment.

Mr. Bass stated he felt it would be premature to forward the proposed Code Amendment at this time, as it appeared further review and/or revision was necessary.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission deferred consideration of the proposed Code Amendment relative to home occupations to the regularly scheduled February 2005 Planning Commission public hearing and requested staff further review the proposal for additional clarification and/or removal of any unenforceable sections.

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

◆ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**05SN0103:** In Bermuda Magisterial District, **FARRISH PROPERTIES, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Light Industrial (I-1) with Conditional Use to permit Community Business (C-3) uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies on 4.1 acres fronting approximately 345 feet on the north line of Old Lane, also fronting approximately 215 feet on the west line of Chester Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 786-665-9988 and 787-665-0867 (Sheets 18 and 26).

Ms. Orr presented an overview of the request and staff's recommendation of approval for rezoning from Agricultural (A) to Light Industrial (I-1) and denial of a Conditional Use to permit Community Business (C-3) uses, noting the applicant submitted revised and additional proffered conditions, which she outlined. She stated, however, staff continued to recommend denial of the Conditional Use for the reasons outlined in the "Request Analysis."

Mr. Dean Hawkins, the applicant's representative, cited the applicant's revised and additional proffered conditions addressing concerns relative to traffic generation from commercial uses; screening from an adjacent single family dwelling; preclusion of additional commercial uses; and establishment of a maximum gross square footage for permitted commercial uses.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0103 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The following uses shall not be permitted:
  - a) Cocktail Lounges and Nightclubs.
  - b) Liquor Stores
  - c) Convenience Stores
  - d) Grocery Stores
  - e) Nursery Schools and Adult Care Centers
  - f) Restaurants- with Drive-Thru Service Windows
  - g) Theaters (P)
2. Prior to any site plan approval, forty-five (45) feet of right-of-way along the north side of Old Lane, as measured from the centerline of that part of the road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)
3. There shall be no direct access from the property to Chester Road. Direct access from the property to Old Lane shall be limited to one (1) entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. Prior to any site plan approval, a right-of-way (or easement), acceptable to the Transportation Department shall be recorded from Old Lane to the adjacent property to the north (GPIN No.: 787-666-1115). (T)
4. Prior to the issuance of an occupancy permit, the Owner/Developer shall be responsible for the construction of additional pavement along Old Lane at the approved access to provide left and right turn lanes, based on Transportation Department standards. The Owner/Developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. (T)
5. Public water and wastewater shall be used. (U)

6. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
7. With the exception of a hotel, Community Business (C-3) uses shall be limited to a maximum of 8,000 gross square feet, 2,000 gross square feet of which may be a restaurant, except as specifically excluded herein. If a hotel is developed, no other C-3 uses shall be permitted. Any hotel use shall not include dining or restaurant facilities except for a continental breakfast bar. (P)
8. An eight (8) foot opaque fence shall be installed along the western boundary of Tax ID 787-665-2184. This fence shall be constructed of vinyl/PVC resin. The exact location, design and treatment shall be approved at the time of site plan review. At such time as Tax ID 787-665-2184 is zoned or redeveloped, the fence shall not be required unless such fence is necessary to meet other Ordinance requirements such as screening of loading areas. (P)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05SN0126:** In Matoaca Magisterial District, **GOOCHLAND/WEST CREEK L.P.** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) with Conditional Use to permit motor vehicle sales and rental. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 3.0 acres fronting approximately 300 feet on the south line of Hull Street Road approximately 630 feet east of Chital Drive. Tax IDs 727-672-2233, 3038 and 3943 (Sheet 15).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the proposed use did not conform to the Upper Swift Creek Plan and was not representative of, nor compatible with, existing and anticipated area development. She noted the applicant had amended Proffered Condition 6 to address the Transportation Department's concerns, as outlined in the Addendum.

Mr. William Shewmake, the applicant's representative, requested a recommendation of approval as the applicant had addressed transportation concerns relative to precluding left turns exiting the property westbound onto Route 360; would generate less traffic than other retail uses; would not be visible to adjacent residential properties; and was compatible with existing area zoning, land uses and development trends.

Mr. Ted Lush, a resident of Lacy Farm Road, voiced opposition to the request, stating the proposal conflicted with the Upper Swift Creek Plan recommendations for the area.

Mr. Bass noted the anticipated use of the property for the sale of late-model vehicles, citing the applicant's reputation and history for good quality developments within the County.

On motion of Mr. Bass, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0126 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public Water and Wastewater. The public water and wastewater systems shall be used. (U)
2. Uses. Permitted uses shall be limited to the following:
  - a. Use permitted by right or with restrictions in the Corporate Office (O-2) District.
  - b. Motor vehicle sales and rental, as restricted by Section 19-159(f)(3) through (8) of the Zoning Ordinance. (P)
3. Timbering Restriction. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Prior to any site plan approval, one hundred (100) feet of right of way along Route 360, measured from the centerline of that part of the road immediately adjacent to the property shall be dedicated free and unrestricted to and for the benefit of Chesterfield County. (T)
5. Direct access from the property to Route 360 shall be limited to one entrance/exit. The exact location of this entrance/exit shall be determined by the Transportation Department. (T)
6. Prior to the issuance of a certificate of occupancy, the developer shall be responsible for:
  - a. construction of an additional lane of pavement along Route 360 for the entire property frontage;
  - b. construction of an additional pavement at the existing crossover that aligns the property to provide an adequate left turn lane, as determined by the Transportation Department, along westbound Route 360; and
  - c. either (1) designing and constructing the entrance/exit to Route 360 to preclude vehicles exiting the site from traveling westbound on Route 360, or (2) modifying the existing crossover on Route 360 to preclude vehicles exiting the site from traveling westbound on Route 360. (T)

AYES: Messrs. Gecker, Litton, Wilson, Gulley and Bass.

**05SN0127:** In Matoaca Magisterial District, **FOX CREEK DEVELOPMENT, INC.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 6.6 acres lying approximately 3,150 feet off the south line of Woolridge Road, measured from a point approximately 750 feet west of Fox Club Parkway. Tax ID 714-674-1733 (Sheet 15).

Mr. Wilson declared a potential conflict of interest pursuant to the Virginia Conflict of Interest Act relative to Cases 05SN0127, Fox Creek Development, Inc. and 05SN0128, Glen Abbey Partners LLC in that his firm represented the applicants in matters other than zoning and excused himself from the meeting at approximately 8:11 p. m.

Mr. Clay presented an overview of the request and staff's recommendation.

Ms. Ashley Harwell, the applicant's representative, accepted staff's recommendation, noting buffer, screening and other improvements adjacent to Foxcroft Subdivision.

Mr. Gecker opened the discussion for public comment.

Mr. Tom Pakurar, representing Hands Across the Lake and a Clover Hill District resident; Ms. Brenda Stewart, a Matoaca District resident; Mr. Ted Lush, a resident of Lacy Farm Road; Ms. Kitty Snow, a County resident; Ms. Kathleen Martin, representing the Brandermill Community Association; and Mr. Paul Zadnick, a Foxcroft Subdivision resident; voiced opposition to the request, citing concerns relative to the impact of the development on water quality, roads, schools, emergency access, the lack of regional best management practices facilities and increased sedimentation in area streams and the Swift Creek Reservoir. Additionally, several individuals asked that the request be deferred until such time as the amended Upper Swift Creek Plan was completed.

Ms. Marlene Durfee, representing the Task Force for Responsible Growth, stated her comments pertained to Cases 05SN0127, Fox Creek Development, Inc. and 05SN0128, Glen Abbey Partners LLC, and she would reserve her remarks until the next case was called for discussion.

There being no one else to speak, Mr. Gecker closed the public comment.

In response to questions from the Commission, Ms. Salvati addressed questions raised by Mr. Pakurar's presentation relative to the Swift Creek Reservoir and Mr. McCracken addressed questions relative to area transportation concerns.

Mr. Bass indicated, while the applicant had offered proffered conditions consistent with current practices and policies, area roads were in poor condition with no immediate plans for improvements.

Mr. Gulley expressed concerns relative to the timing of the project versus implementation of the Regional BMP Plan and suggested cases should not be acted upon until such time as the review of the Upper Swift Creek Plan was completed.



On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 05SN0127.

AYES: Messrs. Gecker, Gulley and Bass.

ABSTENTION: Mr. Litton.

ABSENT: Mr. Wilson.

**05SN0128:** In Matoaca Magisterial District, **GLEN ABBEY PARTNERS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use to permit recreational facilities on up to four (4) acres. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 75.5 acres fronting approximately 510 feet on the northeast line of Otterdale Road approximately 1,620 feet south of Woolridge Road, also fronting approximately 830 feet on the south line of Woolridge Road approximately 2,300 feet east of Otterdale Road. Tax IDs 709-672-8088; 709-673-9924; 710-672-1082; 710-673-1868; and 711-675-0131 (Sheet 15).

Mr. Clay presented an overview of the request and staff's recommendation.

Ms. Ashley Harwell, the applicant's representative, accepted staff's recommendation.

Mr. Gecker opened the discussion for public comment.

Ms. Andrea Epps, representing Brandermill area residents; Mr. Tony Jordano, a member of the Board of Directors of the Brandermill Community Association; Mr. Tom Pakurar, representing Hands Across the Lake; Mr. Peter Martin, a Mt. Hermon resident; Mr. Gene Hartman, representing area property owners; Ms. Betty Hunter-Clapp, a Clover Hill District resident; Mr. Ted Lush, a Moseley resident; Ms. Mandy Wilson, a County resident and business owner; and Ms. Marlene Durfee, Executive Director of the Task Force for Responsible Growth, voiced opposition to the request, citing concerns relative to the impact of the development on water quality, roads, schools, emergency access, the lack of regional best management practices facilities and increased sedimentation in area streams and the Swift Creek Reservoir. Additionally, several individuals asked that the request be deferred until such time as the amended Upper Swift Creek Plan was completed.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Bass expressed concerns relative to the poor condition of area roads with no immediate plans or funds for improvements and other health, safety and welfare concerns, stating he felt a recommendation of approval was premature.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend denial of Case 05SN0128.

AYES: Messrs. Gecker, Gulley and Bass.

ABSTENTION: Mr. Litton.

ABSENT: Mr. Wilson.

**F. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Litton, that the meeting adjourned at approximately 10:06 p. m. to January 18, 2005, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Gecker, Litton, Gulley and Bass.

ABSENT: Mr. Wilson.

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Chairman/Date

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Secretary/Date